

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD
SAN FRANCISCO BAY REGION

ORDER 92 - 108

ORDER SETTING ADMINISTRATIVE CIVIL LIABILITY

CITY OF MORGAN HILL
SANTA CLARA COUNTY

The California Regional Water Quality Control Board, San Francisco Bay Region (hereinafter the Board) finds that:

1. The Cities of Morgan Hill and Gilroy jointly own a six million gallon per day wastewater treatment facility located near Gilroy. The wastewater treatment plant and most of the City of Morgan Hill are within the jurisdiction of the Central Coast Regional Water Quality Control Board. However, a portion of Morgan Hill located on the western side of Anderson Reservoir is within the San Francisco Bay Region. Holiday Lake Estates, a subdivision of about 300 homes, is within the portion of Morgan Hill that is within the San Francisco Bay Region. Holiday Lake Estates is served by three wastewater pump stations; stations A, B and C.
2. On March 13, 1992 and June 2, 1992, raw sewage spills occurred at pump station C in the amounts of 450 gallons and 100 gallons, respectively. The first spill was caused by a power failure to the station and a procedural failure in receipt of the alarm signal. The second spill was caused by rocks jamming the impeller of the pump.
3. The City of Morgan Hill has a history of sewage spills from this pump station. At least 14 sewage spills have occurred in the Holiday Lake Estates area in the past 10 years. On November 30, 1989, Board staff issued Cleanup and Abatement Order 89-169 ordering the City of Morgan Hill to install back-up power, upgrade the pump station alarm system, and improve pump controls. In July 1990, the Board issued an order imposing administrative civil liability for \$7,000 in response to four sewage overflows between December 1989 and January 1990.
4. In the past two years the City of Morgan Hill has made improvements to pump stations A, B, and C, including expanding the volume of the wetwells and installing new pumps, controls and telemetry. The City is planning to install a permanent generator at pump station C. The pump stations are currently served by a portable generator. While the City of Morgan Hill has made improvements in the pump stations, an administrative civil liability is warranted based on the history of the sewage spills culminating with the two most recent spills.

5. Complaint No. 92-077 was issued to the City of Morgan Hill proposing that the Regional Board impose an administrative civil liability in the amount of \$2,000. This amount includes \$1,000 for reimbursement of staff costs incurred in preparing the Complaint and supporting information. An additional \$750 staff costs has been incurred in the preparation of this Order and the Board meeting presentation so that the amount of the administrative civil liability has been raised to \$2,750.
6. Complaint No. 92-077 states that the City of Morgan Hill violated discharge prohibition 15 issued by the Board pursuant to Water Code Section 13243 and contained in the Water Quality Control Plan for the San Francisco Bay Basin.
7. On August 19, 1992, the Board conducted a public hearing at which the City of Morgan Hill appeared and evidence was received concerning the sewage spills.
8. IT IS HEREBY ORDERED, PURSUANT TO WATER CODE SECTION 13385 that the City of Morgan Hill is civilly liable for this violation and shall pay administrative civil liability in the amount of \$2,750. Payment shall be made to the State Water Pollution Cleanup and Abatement Account within 30 days of the date of this Order.

I, Steven R. Ritchie, Executive Officer, do hereby certify the foregoing is a full, true, and correct copy of an Order adopted by the California Regional Water Quality Control Board, San Francisco Bay Region, on August 19, 1992.



STEVEN R. RITCHIE
EXECUTIVE OFFICER